

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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| <div>In re:</div> <div>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,</div> <div>as representative of</div> <div>THE COMMONWEALTH OF PUERTO RICO, <i>et al.</i></div> <div>Debtors.¹</div> | <div>PROMESA Title III</div> <div>Case No. 17-BK-3283-LTS (Jointly Administered)</div> |
| <div>In re:</div> <div>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO</div> <div>as representative of</div> <div>PUERTO RICO ELECTRIC POWER AUTHORITY,</div> <div>Debtor.</div> | <div>PROMESA Title III</div> <div>Case No. 17-BK-4780-LTS</div> |

**GOVERNMENT PARTIES' INFORMATIVE MOTION IN CONNECTION WITH
LUMA ADMINISTRATIVE EXPENSE MOTION**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Electric Power Authority (“PREPA”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as PREPA’s sole Title III representative pursuant to section 315(b) of the Puerto Rico Oversight, Management, and Economic Stability Act (“PROMESA”),² and the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) (PREPA, the Oversight Board, and AAFAF are referred to collectively as the “Government Parties”), respectfully submit this informative motion (the “Informative Motion”) to apprise the Court of two recent matters in connection with the Administrative Expense Motion,³ as well as with *UTIER and SREAEE’s Objection to PREPA’s Motion for Entry of an Order Allowing Administrative Expense Claim for Compensation for Front-End Transition Services Under Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement with LUMA Energy at Docket No. 2053* (ECF No. 2128) (the “UTIER/SREAEE Objection”), filed by Unión de Trabajadores de la Industria Eléctrica y Riego (“UTIER”) and Sistema de Retiro de los Empleados de la Autoridad de Energía Eléctrica (“SREAEE”).

1. On July 7, 2020, the Government Parties filed the Administrative Expense Motion on behalf of PREPA. On August 12, 2020, UTIER and SREAEE filed the UTIER/SREAEE Objection, which opposes the Administrative Expense Motion. ECF 2128.⁴ A hearing took place on the Administrative Expense Motion on September 16, 2020.

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

³ Capitalized terms not defined herein have the definitions set forth in *PREPA’s Motion for Entry of an Order Allowing Administrative Expense Claim for Compensation for Front-End Transition Services Under Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement with LUMA Energy*, ECF No. 2053-1 in Case No. 17-4780 (the “Administrative Expense Motion” or “Motion”). Unless otherwise noted, docket entries refer to Case No. 17-4780.

⁴ Objections to the Administrative Expense Motion were filed by additional parties as well. See ECF Nos. 2132, 2133, 2134, 2138.

2 In their Objection, UTIER and SREAEE argue that the Administrative Expense Motion is not ripe because an appeal of the Puerto Rico Energy Bureau's order issuing the Certificate of Energy Compliance was pending before the Puerto Rico Court of Appeals.⁵ UTIER/SREAEE Objection ¶ 14. On September 28, 2020, the Puerto Rico Court of Appeals dismissed the appeal. A certified copy of the order of the Puerto Rico Court of Appeals is attached hereto as Exhibit A. A certified translation is attached hereto as Exhibit B.

3 In addition, as the Government Parties set forth in the Administrative Expense Motion, Section 4.1(c)(ii) of the T&D Contract provides that LUMA Energy may terminate the T&D Contract upon 30 days' prior written notice if the Administrative Expense Motion is not granted within 90 days after its filing, subject to a 45-day extension exercisable by the P3 Authority, or such later date as LUMA Energy and the P3 Authority may agree. *See* Administrative Expense Motion ¶ 36. Pursuant to the T&D Contract, the initial 90-day period expired on October 5, 2020. As a result, by letter dated October 4, 2020, the P3 Authority notified LUMA Energy that it is exercising its contractual authority to extend the deadline by an additional 45 days, to November 19, 2020. A copy of the extension letter is attached hereto as Exhibit C.

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⁵ The Government Parties disagree with that position for the reasons stated in their reply to UTIER/SREAEE's objection. *See* ECF No. 2169.

Dated: October 7, 2020

PROSKAUER ROSE LLP

/s/ Paul V. Possinger

Martin J. Bienenstock (*pro hac vice*)
Ehud Barak (*pro hac vice*)
Margaret A. Dale (*pro hac vice*)
Daniel S. Desatnik (*pro hac vice*)
Eleven Times Square
New York, NY 10036
Tel: (212) 969-3000
Fax: (212) 969-2900

Paul V. Possinger (*pro hac vice*)
70 W. Madison St., Suite 3800
Chicago, IL 60602
Tel: (312) 962-3550
Fax: (312) 962-3551
ppossinger@proskauer.com

Jennifer L. Jones (*pro hac vice*)
2029 Century Park East, Suite 2400
Los Angeles, CA 90067-3010
Tel: (310) 284-4509
Fax: (310) 557-2193
jljones@proskauer.com

Laura E. Stafford (*pro hac vice*)
1 International Place
Boston, MA 02130
Tel: (617) 526-9714
Fax: (617) 526-9899
lstafford@proskauer.com

*Attorneys for the Financial Oversight and
Management Board as representative for the
Commonwealth of Puerto Rico and the Puerto
Rico Electric Power Authority*

O'NEILL & BORGES LLC

/s/ Hermann D. Bauer

Hermann D. Bauer
USDC No. 215205
250 Muñoz Rivera Ave., Suite 800
San Juan, PR 00918-1813
Tel: (787) 764-8181
Fax: (787) 753-8944

*Co-Attorney for the Financial Oversight and
Management Board as representative of the
Debtor*

O'MELVENY & MYERS LLP

/s/ Elizabeth L. McKeen

John J. Rapisardi (*pro hac vice*)
Nancy A. Mitchell (*pro hac vice*)
Maria J. DiConza (*pro hac vice*)
7 Times Square
New York, New York 10036
Tel: (212) 326-2000
Fax: (212) 326-2061

-and-

Peter Friedman (*pro hac vice*)
1625 Eye Street, NW
Washington, D.C. 20006
Tel: (202) 383-5300
Fax: (202) 383-5414

-and-

Elizabeth L. McKeen (*pro hac vice*)
Ashley M. Pavel (*pro hac vice*)
610 Newport Center Drive, 17th Floor
Newport Beach, CA 92660
Tel: (949) 823-6900
Fax: (949) 823-6994

*Attorneys for the Puerto Rico Fiscal Agency
and Financial Advisory Authority*

DÍAZ & VÁZQUEZ LAW FIRM, P.S.C

/s/ Katuska Bolaños

Katuska Bolaños
USDC-PR No. 231812
290 Jesús T. Piñero Ave.
Oriental Tower, Suite 1105
San Juan, PR 00918
Tel.: (787) 395-7133
Fax: (787) 497-9664

*Counsel for Puerto Rico Electric Power
Authority*

MARINI PIETRANTONI MUÑIZ LLC

/s/ Luis C. Marini-Biaggi

Luis C. Marini-Biaggi
USDC No. 222301
250 Ponce de León Ave., Suite 900
San Juan, Puerto Rico 00918
Tel: (787) 705-2171
Fax: (787) 936-7494

*Co-counsel for the Puerto Rico Fiscal Agency
and Financial Advisory Authority*